

CHAPTER 740.

An act to amend an act entitled, "An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended by a certain act approved March 19, 1909, by amending section six thereof, and by adding a new section to said act which section shall be numbered 13a, relating to the practice of medicine and surgery, osteopathy, and other systems and modes of treating the sick or afflicted, in the State of California, and imposing certain duties and obligations upon all persons who shall practice or shall attempt to practice, medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and providing penalties for a violation of any of the provisions of said act, or of any of the provisions of section 13a hereby added thereto.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section six of an act entitled, "An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended by a certain act approved March 19, 1909, is hereby amended to read as follows:

Section 6. Three forms of certificate shall be issued by said board under the seal thereof and signed by the president and the secretary: first, a certificate authorizing the holder thereof to practice medicine and surgery; second, a certificate authorizing the holder thereof to practice osteopathy; third, a certificate authorizing the holder thereof to practice any other system or mode of treating the sick or afflicted not referred to in this section.

In order to procure a certificate to practice medicine and surgery, the applicant for such certificate must file with said board at least two weeks prior to a regular meeting thereof, satisfactory testimonials of good moral character, and a diploma issued by some legally chartered medical school, the requirements of which shall have been at the time of granting such diploma in no particular less than those prescribed by the Association of American Medical Colleges for that year, or satisfactory evidence of having possessed such diploma, and he must also file with said diploma an application sworn to before some person authorized to administer oaths, and attested by the hand and seal of such officer, if he have a seal, stating that he is the person named in said diploma, that he is the lawful

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holder thereof, and that the same was procured in the regular course of instruction and examination, without fraud or misrepresentation. The said application shall be made upon a blank furnished by said board, and it shall contain such information concerning the medical instruction and the preliminary education of the applicant as said board may by rule provide. Applicants who have failed to meet the above requirements must be rejected. Applicants for a certificate to practice osteopathy shall be subject to the above regulations, except that in place of the diploma hereinbefore referred to, they shall be required to file a diploma from a legally chartered college of osteopathy, having a course of instruction of at least twenty months, requiring actual attendance, and after 1908, of three years of nine months each, and including the studies examined upon under this act. Applicants for a certificate to practice any other system or mode of treatment not in this act referred to, shall be subject to the above regulations, except that in place of the diplomas hereinbefore referred to, they shall be required to file a diploma from a legally chartered college of the system or mode of treatment which the applicant claims or intends to follow; *provided, however, that the state board of medical examiners may issue a certificate to any person who has practiced a special branch of medicine and surgery, at the time this act goes into effect, for a period of not less than thirty-five years, fifteen years of which time shall have been within the State of California;* an applicant to practice a special branch of medicine and surgery must file an affidavit with the board of medical examiners, sworn to before some person authorized to take and administer an oath and attested by the hand and seal of such person, stating that he has successfully and effectively practiced the special branch of medicine and surgery for the term of years as hereinbefore mentioned; and such applicant to practice a special branch of medicine and surgery, *shall not be required to file a diploma,* as hereinbefore referred to, but such applicant may be required to take an examination, which shall be practical in character and shall consist of a practical demonstration in the special branch of medicine and surgery set forth in the affidavit of such applicant; and such practical demonstration shall be for the purpose of ascertaining an applicant's fitness to practice the special branch of medicine and surgery set forth in the affidavit of the applicant; and in addition thereto, such applicant may be required to produce testimony to the effect that he has successfully and effectively practiced the special branch of medicine and surgery as set forth in the affidavit hereinabove referred to; and if after such practical demonstration an applicant shall qualify, by effecting a cure, the state board of medical examiners shall issue a certificate to such applicant to practice the special branch of medicine and surgery set forth in the affidavit of such applicant. In addition to the requirements above set forth, except as otherwise stated, *all applicants* for a certificate must be personally examined by said board as

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to their qualifications. The examination shall be conducted in the English language, shall be practical in character and designed to discover the applicant's fitness to practice his profession, and shall be, in whole or in part, in writing on the following fundamental subjects, to wit: Anatomy, histology, gynecology, pathology, bacteriology, chemistry and toxicology, physiology, obstetrics, general diagnosis, hygiene. Examinations in each subject shall consist of not less than ten questions, answers to which shall be marked upon a scale of zero to ten. But all applicants must obtain not less than a general average of seventy-five per cent and not less than sixty per cent in any one subject; *provided*, that applicants who can show at least ten years of reputable practice shall be granted a credit of five per cent upon the general average, and five per cent additional for each subsequent ten years of such practice; *provided, further*, that any applicant obtaining seventy-five per cent each, in seven subjects, shall be subsequently reexamined in those subjects only in which he failed, and without additional fee. The examination papers shall form a part of the records of the board, and shall be kept on file by the secretary for a period of one year after each examination. In said examination the applicant shall be known and designated by number only, and the name attached to the number shall be kept secret until after the board has finally voted upon the application. The secretary of the board shall in no instance participate as an examiner in any examination held by the board.

Examination papers preserved.

SEC. 2. A new section to be numbered section 13a, is hereby added to that certain act entitled "An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended by a certain act approved March 19, 1909, which section shall be in the words and figures following, to wit:

Section 13a. Any person, company or association shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by imprisonment in the county jail not less than ten (10) days nor more than one (1) year, or by a fine of not less than one hundred (100) dollars, nor more than one thousand (1000) dollars, or by both such fine and imprisonment, who (1) shall sell or barter or offer to sell or barter any medical or osteopathic degree or any certificate or transcript, made or purporting to be made pursuant to any laws regulating the license and registration of physicians, osteopathic physicians or persons lawfully engaged in practicing any other system or mode of treating the sick or afflicted; or, (2) shall purchase or procure by barter, any such diploma, certificate or transcript, with intent that the same shall be used as evidence of the holder's qualification to practice medicine, surgery, osteopathy, or any other system or mode of treating

Sale of medical degree a misdemeanor.

Diploma, etc.

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